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EXAMINER

CERULLO, LILIANA P

ART UNIT	PAPER NUMBER
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2629

NOTIFICATION DATE	DELIVERY MODE
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07/30/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/566,186	Applicant(s) ERFORT ET AL.	
	Examiner LILIANA CERULLO	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/25/2010 has been entered. In the submission, the Applicants amended claims 14 and 26, and canceled claim 27. Currently, claims 14-26 and 28 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 14-26 and 28** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Claim 14 was amended (see 6/25/2010) to include in lines 11-12: "... to view a sequenced presentation without an interruption in the continuity of the sequenced presentation" and lines 14-16: "...so that an image viewable at an expect time of arrival

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at a location to which the viewer is moving is the next image in the linear sequence relative to the image viewable in the location from which the view has moved at the time of the viewer's departure". The examiner was unable to find support for these added limitations in the drawing or specification, and the Applicants did not point out to where there is support for these limitations in the arguments presented 5/06/2010.

Specifically, pg. 11-12 of the specification (dated 1/26/2006) explain that the first sequence of a film can be viewed at a first room at time t1 and, a second sequence of the film can be viewed in a second room at a time t2, the difference between these times is the average period of time it takes the viewer to walk from the first room to the second room. Please note that the examiner interprets "average period of time" to be different from an "expect time of arrival" and "viewer's departure", because the average period of time is just a duration (magnitude), but the expect time of arrival or departure may include a specific time of the day and does not require it to be an average duration from an initial time; and that the specification supports two sequences and not two images of a linear sequence. Furthermore, there are no mentions of the word "interruption" or any similar concepts in the specification.

The dependent claims 15-26 and 28 inherit the issues of parent claim 14.

For the purpose of examination, the examiner gave no weight to these added limitations. Kindly note that the only limitation considered to have support is found in line 10: "*...in timing*" because throughout the specification there is mention of chronological coordination.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 14-19, 24-26 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Muoio et al. in US 6,670,934 (hereinafter Muoio).

6. Regarding **claim 14**, Muoio discloses a method (*col. 3 lines 36-37*) for the visualization of digital display elements (*art images to be displayed as shown in Fig. 1 per col. 4 lines 42-44*) on a plurality of display devices (*Fig. 6, displays 605 per col. 6 lines 14-17*), wherein the visualization of display elements (*images of Fig. 1 and col. 6 lines 22-25*) on a first display device (*display device on a space of the house, e.g. bedroom space child1 of Fig. 4 and col. 5 lines 34-50 and col. 3 lines 48-52*) and the visualization of display elements (*images of Fig. 1 and col. 6 lines 22-25*) on at least one additional display device (*display device on a space of the house, e.g. master bedroom of Fig. 4 and col. 5 lines 34-50 and col. 3 lines 48-52*) takes place in a chronologically (*as required for displaying different art images in sequence per a playlist as shown in Fig. 3 and col. 5 lines 5-9, col. 1 lines 45-50*) and spatially coordinated manner (*Fig. 4 and col. 5 lines 29-50 where the art images arranged in a playlist are assigned to different spaces in a house*), wherein said at least one additional display device is visually coordinated with said first display device (*Fig. 4 and col. 5 lines 29-50 where for*

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example the bedrooms space, including master and child1, are displaying art play list 10, thus they are visually coordinated), characterized in that:

providing a plurality of display computer devices (art space controllers 603 of Fig. 6 and col. 6 lines 14-17), and a control computer device (art server controller 707 of Fig. 7 which is part of art server 601 of Fig. 6 and col. 6 lines 14-17) connected to said display computer devices (as shown in Fig. 6) wherein each display computer device (art space controllers 603 of Fig. 6) is associated with a minimum of one display device (display 605 of Fig. 6 and col. 6 lines 14-17), and the display devices (display 605 of Fig. 6) are arranged in a freely configurable order with respect to location (there is no requirement for the location of the displays or rooms of col. 5 lines 34-50) but coordinated in timing with respect to each other (per the hierarchy and play lists of col. 5 lines 30-50 and Fig. 4. Note that playlist 10 is currently being played in the master bedroom and child1 room, thus the master bedroom and the child1 room are coordinated in timing, because they are currently playing the same playlist) in a manner enabling a viewer to view a sequenced presentation (a playlist is a sequenced presentation per col. 1 lines 45-50 and Fig. 4) despite movement of the viewer between different locations which are not arranged in a linear sequence (the displaying of the playlist does not depend on movement of the viewer between different locations, nor are the locations required to be in a linear sequence per col. 10 lines 35-38, but rather depend on the playlist selection as shown in Figs. 4-5);

transmitting a minimum of one display element (images of Fig. 1 and col. 6 lines 45-46 referring to the image database 703 in Fig. 7) in a file format (as required for

having an electronic copy of col. 4 lines 27-30) and a minimum of one control information (as required to identify the image to be displayed and the display interval per col. 6 lines 40-45) to the control computer device (art server controller 707 of Fig. 7 per col. 6 lines 58-63) in a sequence plan (playlist of Fig. 4);

said control information specifying the point in time and the location of the display of the display elements on a display device (*display interval of col. 6 lines 40-45 and identification of playlist assigned to a space of col. 6 lines 46-49*);

said control computer device (*art server controller 707 of Fig. 7*) analyzing said sequence plan (*col. 6 lines 58-63 where the art servers controller controls the operation of the server including play list changes*) and generating a minimum of one control command from the control information (*as required for communication between the server 601 and the displays in Fig. 6. This control command is generated upon running the functions that check for changes in the playlist per col. 8 lines 43 to col. 9 line 7, e.g. updated image identifier along with the playlist control information of col. 6 lines 40-49*);

said control computer device (*art server controller 707 of Fig. 7*) transmitting the display element (*art images to be displayed as shown in Fig. 1*) and the control command (*changes and playlist of col. 6 lines 40-49*) to the display computer device (*art space controllers 603 of Fig. 6*);

transforming the display elements (*art images to be displayed as shown in Fig. 1*) from the file containing the display element (*as required for having an electronic copy of col. 4 lines 27-30*), which display elements are available in digital form (*as required for having an electronic copy of col. 4 lines 27-30*), as a result of the control command

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(recall that the control command is an updated playlist with any changes from server to art space controllers of Figs. 6-7 and 4) by the display computer device (art space controllers 603 of Fig. 6 and col. 6 lines 14-17) into signals in a graphic card format in order to display the display element on the display device and to transmit it to the associated display device (as required for display of an image as shown in Fig. 1 and col. 4 lines 9-27);

said control command *(recall that the control command is the updated playlist from server to art space controllers of Figs. 6-7 and 4) specifying the point in time (col. 6 lines 42-45) at which the display computer device (art space controllers 603 of Fig. 6 and col. 6 lines 14-17) transmits a signal and the display device to which the signal is to be transmitted (col. 7 lines 27-38 referring to the art space controller looping through the playlist and displaying the images on the display devices).*

Muoio fails to disclose in their invention the use of a display computer device serving exclusively to generate an image signal from the digital display element. However, in the background of the specification, Muoio discloses that at museums, a central computer systems controls the displaying of a play list on various display devices, and that the images can be stored at the central computer system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use a display computer device *(art space controllers 603 of Fig. 6)* exclusively assigned to generate an image signal from the digital display element stored in the server (Fig. 7) according to a playlist (Fig. 4) also stored in the server, when it is

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unnecessary to provide user input other than the administrator, such as in museums environments (col. 1 lines 50-64).

7. Regarding **claim 15**, Muoio teaches said sequence plan to be a play list (*Figs. 3-4*) and in that a plurality of display elements (*Art Names of Fig. 3*) and control information (*col. 6 lines 42-45 length of time*) are compiled in said play list (*Fig. 3 and col. 4 lines 42-50*) and that said play list is transmitted to the control computer device (*col. 7 lines 28-36*).

8. Regarding **claim 16**, Muoio teaches said playlist is analyzed by the control computer device (*art server controller 707 of Fig. 7 and co. 6 lines 58-63 referring to the server controller controlling play list changes*) with control commands (*recall that the control command is the updated playlist from server to art space controllers of Figs. 6-7 and 4*) being generated for the display of the display elements compiled in said play list (*as necessary for displaying the images per Fig. 6 and col. 7 lines 2-8*).

9. Regarding **claim 17**, Muoio teaches the display computer device (*art space controllers 603 of Fig. 6*) and control computer device (*art server controller 707 of Fig. 7*) integrated into a network (*as shown in Fig. 6*).

10. Regarding **claim 18**, Muoio teaches the same display elements are transmitted to a minimum of two display computer devices (*col. 5 lines 41-45*).

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11. Regarding **claim 19**, Muoio teaches the control command (*recall that the control command is the updated playlist from server to art space controllers of Figs. 6-7 and 4; note that this includes the image to be displayed*) to be transmitted close to the time of the desired display of the display elements to the display computer device (*col. 7 lines 2-13 where the next image is sent when the current image is being displayed*).

12. Regarding **claim 24**, Muoio discloses the period of time between the beginning of the transmission of the control command (*recall that the control command is the updated playlist from server to art space controllers of Figs. 6-7 and 4; note that this includes the image to be displayed. Col. 7 lines 5-13 control command including next image*) and the transmission of the signal (*col. 7 lines 5-13 transmission of the current image*) is automatically determined (*60 sec per col. 7 lines 5-13*).

13. Regarding **claim 25**, Muoio teaches that during the display of the display element on the display device (*col. 7 lines 5-13*), a control signal (*next image*) is transmitted to the control computer device (*per col. 7 lines 2-13*).

14. Regarding **claim 26**, Muoio teaches that the point in time at which the display element is displayed on the display device (*col. 7 lines 5-13*) is controlled by the control computer device as a function of a control signal (*col. 9 lines 52-62 referring to the looping of the images at specified intervals*).

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15. Regarding **claim 28**, Muoio teaches that during generation of a signal (*col. 9 lines 25-39 where the generation of a signal is a change to the playlist*), a control signal is transmitted to the control computer device (*per col. 9 lines 25-39*).

16. **Claims 20-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Muoio et al. in US 6,670,934 in view of Amo et al. in US 2002/0007987 (hereinafter Amo).

17. Regarding **claim 20**, Muoio fails to disclose two control commands, one for loading onto the display computer device and the other for transmitting the signal to the display device. However, Amo discloses a method for broadcasting in multiple displays (*Amo, para. 8*) where a first control command (*Amo para. 35, command required to transmit info from servers to displays*) causes a file containing a display element (*Amo, images of para. 39*) to be loaded on the display computer device (*Amo, mass storage 314 of Fig. 3 per para. 37 and Fig. 5*) and that a second control command (*Amo, schedule per para. 37 lines 1-3*) causes the signal to be transmitted by the display computer device to the display device (*Amo, Fig. 5 and para. 37*) and causes the display elements (*Amo, images of para. 39*) to be displayed on the display device (*Amo, para. 37*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to send a first control command to load the image onto the display computer device of Muoio and send a second control command to transmit the signal to the display device in Muoio's invention (*as taught by Amo*) because doing so would

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result in reaching a display unit in any location from a central position in a consistent and timely manner (*Amo*, para. 35).

18. Regarding **claim 21**, Muoio in view of *Amo* teach said first control command (*Amo* para. 35, command required to transmit info from servers to displays) and said second control command (*Amo*, schedule per para. 37 lines 1-3) transmitted so as to be staggered by a period of time (*Amo*, para. 35 teaches that the building server relies the information to the display. Para. 36 discloses that once the relevant info has been received it is processed by the display and then forwarded to the screen; thus teaching the second control command for display on the screen occurring only after processing of the information received by the server, consequently the first and second control command are staggered. Furthermore, para. 37 teaches the computer receiving a schedule, and displaying the information based on what the next information has to be displayed) causing the signal to be transmitted and the display element to be displayed on the display device after a predetermined period of time (*Amo*, schedule time of para. 37 for display of info in screen) has elapsed after the transmission of the second control command (as per schedule or playlist).

19. Regarding **claim 22**, Muoio in view of *Amo* teach said first control command (*Amo*, para. 35, command required to transmit info from servers to displays) and said second control command (*Amo*, schedule per para. 37 lines 1-3) transmitted simultaneously (*Amo*, para. 33 where the schedule is stored in the server and not in the

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computer, and is transmitted real time to the display) causing the signal to be transmitted and the display element (Amo, images of para. 39 which is equivalent to Muoio's art images) to be displayed on the display device after a predetermined period of time has elapsed after the transmission of the second control command (as per schedule or playlist).

20. Regarding **claim 23**, Muoio in view of Amo teach a plurality of display computer devices (*Amo, Fig. 2, elements 212 which corresponds to Muoio's space controllers 603 of Fig. 6*) synchronized to a reference point in time (*Amo, as required for synchronization of the city server with each building per para. 31 lines 12-27*) and that the second control command (*Amo, schedule per para. 37 lines 1-3*) causes the signal to be transmitted at a predetermined time (*as per schedule or playlist*).

Response to Arguments

21. Applicant's arguments filed 5/06/2010 with respect to the USC 103 rejection of claim 14, have been fully considered but they are not persuasive.

On the Remarks pg. 6-7 (filed 5/06/2010) the Applicants argue that Muoio does not disclose time coordination between the playing of the play lists in the different rooms, and therefore it does not disclose enabling a viewer to "view a sequenced presentation despite movement of the viewer between different locations which are not arranged in a linear sequence", because given that there is no deliberate coordinate timing of the play list of one room to that in another room, it is not possible for a person

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to move from one room to another without missing at least a portion of the sequence presentation. The examiner must respectfully disagree, the playing of the play lists is coordinated in timing when, for example, the playlist currently being played in the master bedroom is also currently being played in the child1 room (*see hierarchy and play lists of col. 5 lines 30-50 and Fig. 4*). Therefore, when the viewer moves from, for example, the master bedroom to the child1 room, the viewer can continue to view the same playlist. Please note that there is no requirement in claim 14 for "not missing at least a portion of the sequence presentation". Furthermore, the examiner kindly suggests to point to support in the specification or drawing for any amendments to the claims.

Finally, Applicant's arguments (Remarks pg. 6, filed 5/06/2010) with respect to the objection to claim 16 have been fully considered and are persuasive. The objection to claim 16 has been withdrawn (please kindly note that the Final Action dated 3/31/2010 did not include a USC 112 rejection but merely objections pointing to claim informalities).

The examiner encourages the Applicants to request an interview to discuss any proposed amendments prior to filing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LILIANA CERULLO whose telephone number is

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(571)270-5882. The examiner can normally be reached on Monday to Thursday 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. C./
Examiner, Art Unit 2629

/Alexander Eisen/

Supervisory Patent Examiner, Art Unit 2629